

UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte MARTIN HAUPT,  
FRANZ KLETZL and ROBERT NEMETH

Application No. 09/090,035

ORDER RETURNING UNDOCKETED APPEAL

This application was received at the Board of Patent Appeals and Interferences on January 26, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith returned to the examiner. The matters requiring attention prior to docketing are identified below.

On September 21, 2004, an Order Returning Undocketed Appeal to Examiner was mailed which requested that the examiner:

1. issue[e] a Supplemental Examiner's Answer which includes (1) a proper response to the "References of Record" and
2. inclusion of claim 20 in a ground of rejection.

A supplemental Examiner's Answer was filed on October 20, 2004 which stated that "[t]his Supplemental Examiner's Answer is a repeat of paper #35 with correction to the rejection header to include claim 20. (The statement of rejection of Claim 20 was set forth on page 8 of paper #35.)" It should be noted that while the supplemental Examiner's Answer includes claim 20 in a ground of rejection, the heading "(9) Reference of Record" is still missing. Correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

1. for issuance of a Supplemental Examiner's Answer which includes a proper response to the heading "References of Record"; and
2. for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: 

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CRF:psb

Application 09/090,035

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